

REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-9 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 1-15 are now pending in the application for consideration and examination.

REJECTION UNDER 35 USC §103 - TRAVERSED

The 35 USC §103 rejection of Claims 1-9 as being unpatentable over Berstis *et al.* (US 6,212,327 B1) in view of Yoshinobu *et al.* (US 5,686,954 A) is respectfully traversed. Such rejection has been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejection against Applicant's clarified claims.

All descriptions of Applicants disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously

submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed.

As set out in the decision *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988), the court points out that the PTO has the burden under §103 to establish a *prima facie* case of obviousness, and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

However, the cited prior art does not adequately support either a §102 anticipation-type rejection or a §103 obviousness-type rejection because it does not, at minimum, disclose (or suggest) the following limitations of Applicant's clarified claims.

Applicant's disclosed and claimed invention is directed to automatic broadcast program recorder arrangements wherein keywords (preliminarily designated by the user) are stored in association with reservation identifiers, programs are automatically selected based on program information and the keywords, the selected programs are stored in association with the reservation identifiers, and the selected programs stored in association with the reservation identifiers are displayed in response to user input. The reservation identifier is different from information of the broadcasted program information. Such features as recited in the claims are not taught or suggested by Berstis *et al.* or Yoshinobu *et al.*

More particularly, Office Action comments appear to assert that Berstis *et al.* or Yoshinobu *et al.* program beginning/end times may be characterized as meeting Applicant's "reservation identifier." Traversal is appropriate. More particularly, it was (and is) abundantly clear from the claims that Applicant's "reservation identifier" is completely different information from broadcasted program information. Especially considering that the "program information" had been defined (e.g., in Claim 2) to include "channel identifying information and program time information."

In any event, Applicant's clarified claims explicitly recite that Applicant's reservation identifier is different from information of the broadcasted program information. Further, it is respectfully noted that new Claims 10, 12 and 14 explicitly recite that "the reservation identifier is a user-defined identifier selected by a user", and new Claims 11, 13 and 15 explicitly recite that "the reservation identifier is a sequential number." In short, neither of Berstis *et al.* nor Yoshinobu *et al.* would have disclosed or suggested "reservation identifier" or Applicant's specifically recited use of the same.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

Important features of the present invention reside in that:

(A) key word storing means stores each "keyword" so as to be associated with a "reservation identifier";

(B) control means stores the “program information of the selected programs” to be recorded in association with the “reservation identifier”; and

(C) the control means displays “the programs in the video recording file” associated with the “reservation identifier” on a display in response to the user’s input.

A further important feature of the claimed invention (e.g., in Claims 5, 6 and 9) resides in that:

(D) a recording control processor displays the “status of video data” stored in the storing means in association with the “reservation identifier.” This disclosure is supported in the application as filed at, e.g., FIG. 12.

At page 3 of the Office Action, the Examiner recites (d) and (e) with reference to Berstis *et al.* to deny the novelty of the subject matters (A) and (B) of the present invention. However, in the recited paragraphs, Berstis *et al.* merely disclose the data stream search for key data items, such as use-selected key words or VCR programming codes.

As apparent from a flowchart shown in FIG. 4B, Berstis *et al.* terminate the data stream search when a key data item is detected once and video recording is completed for one object program. This flowchart does not repeat the data stream search to detect other video programs matching the same key data item. That is, Berstis *et al.* have no idea to detect a plurality of relevant video programs corresponding to the same keyword and to manage these relevant video programs in a video recording file so that a user can playback them with a reservation identifier.

Further, the user interface shown in FIG. 3 should be understood that each of programs 16, 17 and 18 corresponds to an individual search key. For these reasons, Berstis *et al.* fail to teach the idea of correlating a reservation identifier with a plurality of programs that match the same keyword, thereby to manage relevant video programs with the reservation identifier collectively in order to make it easy for a user to access these relevant video programs when the user wish to playback them.

By referring to FIG.15 of Yoshinobu *et al.*, the Examiner alleges that the relation between the programs and the program reservation identifiers is shown. However, as described in the Column 21, lines 5-42, FIG. 15 shows a program schedule TBL, and each item displayed is detail information of each program, such as a title, broadcasting start time and broadcasting end time as described by referring to FIG. 2. Accordingly, these displayed items do not include the reservation identifier of the present invention.

The Examiner rejects the feature (D) of Claims 5, 6 and 9 on the basis of the disclosure in the Column 3, lines 30-41 of Berstis *et al.* However, as apparent by studying the recited portion, they do not suggest either the status of video data stored in the storage or the reservation identifier as shown in FIG. 12 of the present invention.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such §103 rejection, and express written allowance of all of the §103

rejected claims, are respectfully requested. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next Action final.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area telephone 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the

application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

This Amendment is being filed within the shortened statutory period for response set by the 8 July 2004 Office Action, and therefore, no Petition or extension fee is required. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Furthermore, no additional claims fees are required for entry of this paper. Please charge any actual required fee to ATS&K Deposit Account No. 01-2135 (as Case No. 520.39791X00).

Respectfully submitted,



Paul J. Skwierawski
Registration No. 32,173
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209-3801, USA
Telephone 703-312-6600
Facsimile 703-312-6666